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TAGS: [PREL](#) [PTER](#) [KAWC](#) [UN](#) [KWBG](#) [IS](#)
SUBJECT: GOI INTERAGENCY WORKING GROUP PREPARING TO RESPOND
TO UNSYG BOARD OF INQUIRY ON GAZA

Classified By: Ambassador James B. Cunningham, Reason 1.4 (b) (d)

¶1. (C) Alon Ushpiz, Chief of Staff to MFA Director General Aharon Abramovich, contacted Pol Couns February 18 to review the GOI's preparations for Secretary General Ban's Board of Inquiry (BOI) on IDF actions in Gaza. Ushpiz noted that the BOI is a "potential source of concern" for Israel due to problematic UN actions in the past. As an example of Israeli concerns, Ushpiz noted that the UN did not consult with Israel on the BOI's terms of reference, which were phrased in a way that could lead to "negative actions" including war crimes charges against GOI senior officials, IDF officers and individual soldiers.

¶2. (C) Ushpiz noted that a GOI interagency working group was scheduled to meet later in the day. (Note: MFA policy adviser Tal Becker separately told Pol Couns that the working group is headed by Foreign Minister Livni and Justice Minister Friedman nominally, but the operational head of the group is an MOJ lawyer named Shai Nitzan. In addition to MFA and MOJ, we assume MOD and IDF, as well as the Prime Minister's Office are involved.) Ushpiz stressed that there was a range of views among the working group's members, adding that any recommendation of the working group regarding how to respond to the BOI would likely have to be referred to the ministerial level for a decision.

¶3. (C) Ushpiz said the UN is now planning to send a team to Gaza as early as this weekend. The Israelis will be watching closely to see if the UN team meets with Hamas. After their visit to Gaza, they are supposed to visit Israel, but this may depend on the outcome of the working group meeting.

¶4. (C) Regarding the IDF's internal investigation of the IDF's operations in Gaza, Ushpiz said it was almost complete and would be sent to a very senior level, probably Chief of General Staff Lt. General Gabi Ashkenazi, for final approval. Ushpiz noted that the UN has identified nine incidents to investigate, but since some of these incidents do not involve UN personnel or facilities, the IDF is only planning to share the results of those parts of their investigation that directly involve the UN.

¶5. (C) Pol Couns said it would be helpful if the IDF would share its investigation with the U.S. At a minimum, we would want to see the portions the IDF decides to pass to the UN. Ushpiz said he would inform his superiors, but he also suggested the embassy make this request directly to the IDF. Pol Couns noted that he had heard that the MFA was not focused on charges of war crimes in Gaza by some private American critics of Israel because U.S. courts do not claim universal jurisdiction. Pol Couns pointed out, however, that there are already efforts to lobby the Congress to cut off arms sales or slash FMF to Israel because of its use of U.S. military equipment in the Gaza operation.

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